

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAIMI SHOAGA,
Plaintiff,

v.
CITY OF STOCKTON and DELTA
VALLEY TOWING.,
Defendants.

No. 2:25-cv-1119 DJC AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On April 22, 2025, the court denied plaintiff’s motion to proceed in forma pauperis (“IFP”) and ordered plaintiff to pay the filing fee no later than May 5, 2025. ECF No. 3. Plaintiff was cautioned that failure to pay the filing fee would result in dismissal of this case. Id. Plaintiff has not paid the filing fee, and accordingly this case must be dismissed without prejudice for failure to prosecute.

In recommending this action be dismissed for failure to prosecute, the court has considered “(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot

1 move forward without payment of the filing fee and plaintiff's participation, the court finds the
2 factors weigh in favor of dismissal.

3 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without
4 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.
5 Civ. P. 41(b); Local Rule 110.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)
8 days after being served with these findings and recommendations, plaintiff may file written
9 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
10 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file
11 objections within the specified time may waive the right to appeal the District Court's order.
12 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: May 12, 2025

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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